

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EFRAIM BARENBAUM, Derivatively on Behalf of  
Nominal Defendant FTE NETWORKS, INC.,

Plaintiffs,

-against -

MICHAEL PALLESCHI, FRED SACRAMONE,  
JAMES SHIAH, CHRISTOPHER FERGUSON,  
LUISA INGARGIOLA, BRAD MITCHELL,  
PATRICK O'HARE, DAVID LETHEN, LYNN  
MARTIN, JEANNE KINGSLEY, and  
STEPHEN BERINI,

Defendants,

and

FTE NETWORKS, INC.,

Nominal Defendant.  
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:  
: Case No.: 19-cv-5913  
:  
: Hon. Paul A. Engelmayer  
:

**PLEASE TAKE NOTICE** that pursuant to Federal Rule of Civil Procedure 12(b)(6) and upon the accompanying memorandum of law, Defendants Fred Sacramone, James Shiah, Jeanne Kingsley, and Stephen Berini move this Court, before the Honorable Paul A. Engelmayer, in Courtroom 1305 at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, for an order dismissing the above-captioned case as against them in its entirety for failure to state a derivative claim.

Dated: New York, New York  
September 23, 2019

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